

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

LIBERTARIAN PARTY OF TENNESSEE,)
ANTHONY WALL, GREEN PARTY OF)
TENNESSEE, KATHLEEN A. CULVER,)
CONSTITUTION PARTY OF)
TENNESSEE and JOAN CASTLE,)

Plaintiffs,)

v.)

Case No. 3:08-0063

Judge Haynes

MARK GOINS, Coordinator of)
Elections for the State of Tennessee, and)
TRE HARGETT, Secretary of State for the)
State of Tennessee,)

Defendants.)

ATTACHMENT

EXHIBIT A

TO

**DEFENDANTS' RESPONSE IN OPPOSITION TO PLAINTIFFS' MOTION
FOR SUMMARY JUDGMENT**

**Libertarian Party of Tennessee's Supplemental Response to Defendants' First Set of
Interrogatories and Request for Production of Documents**

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FOR THE MIDDLE DISTRICT OF TENNESSEE
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LIBERTARIAN PARTY OF TENNESSEE,)
ANTHONY WALL, GREEN PARTY OF)
TENNESSEE, KATHLEEN A. CULVER,)
CONSTITUTION PARTY OF TENNESSEE,)
and JOAN CASTLE,)
....Plaintiffs,) Case No. 3: 08-0063
v.) Judge Haynes
BROOK THOMPSON, Coordinator of)
Elections for the State of Tennessee; and)
TRE HARGETT, Secretary of State)
for the State of Tennessee,Defendants.)

**PLAINTIFF LIBERTARIAN PARTY OF TENNESSEE'S SUPPLEMENTAL
RESPONSE TO DEFENDANTS' FIRST SET OF INTERROGATORIES AND
REQUEST FOR PRODUCTION OF DOCUMENTS**

COMES now the Plaintiff, Libertarian Party of Tennessee, by and through its counsel of record, and by a duly authorized officer or agent, in accordance with Fed.R.Civ.P. 33 and 34, offers its supplemental response to Defendants' First Set of Interrogatories and Request for Production of Documents, as follows:

1. Please identify any and all persons who have assisted you in providing answers to these discovery requests or provided you with any portion of the information and/or documents provided in response to these discovery requests.

ANSWER: James C. Linger, Attorney at Law, 1710 S. Boston Ave., Tulsa, OK 74119-4810
(918) 585-2797

Richard Winger, P.O. Box 470296, San Francisco, CA 94147
(415) 922-9779

Anthony E. Wall, 354 Summerville Road, Kingsport, TN 37663
(423) 534-8848

4. Please identify with specificity every state where the Libertarian Party has been recognized as a statewide political party at any time during the past twenty years

and all the requirements the Libertarian Party had to meet in each state to obtain such recognition.

ANSWER:

Alabama: 1988, the party did a petition signed by 1% of the last gubernatorial vote; 1992, same; 1996, same; 2000, a petition of 3% of the last gubernatorial vote; 2002, on automatically because one statewide nominee had polled over 20% in 2000.

Alaska: 1988, on automatically because had polled 3% for president in 1984; 1992, a petition of 1% of the last presidential vote; 1996, same; 1998, petition of 1% of last gub. vote; 2000, petition of 1% of last pres. vote; 2002 through present, on by having registration greater than 3% of last vote. In 2004, the Alaska legislature changed the law to 3% of the last election.

Arizona: 1988, submitted a petition of 2% of last vote cast; 1992, petition of 1.33% of last vote cast; 1994 through present, on by having registration of 2/3rds of 1% of state registration total.

Arkansas: 1988, on just by request (presidential status only); 1992 same; 1996 on for president only by a petition of 1,000 signatures; same for 2000; same for 2004; same for 2008.

California: on continuously 1988 to the present by having polled 2% for one statewide race in the last gubernatorial election year, and also always keeping the party's registration total above one-fifteenth of 1%.

Colorado: 1988 by petition of 5,000 signatures; 1990 by petition of 1,000 signatures; 1992 by petition of 5,000 signatures; 1994 by petition of 1,000 signatures; 1996 same; 1998 to present, on automatically because of having 1,000 registered members.

Connecticut: 1988 by petition of 1% of last pres. vote; 1992 same; 1996 by petition of 7,500 signatures; 1998 same; 2000 same; 2002 by having polled over 1% for statewide office in 1998 (only applies to some statewide offices, not all of them); 2004 by 7,500 signatures; 2006 by having polled over 1% for statewide office in 2002 (only applies to some statewide offices, not all of them). In 2008, Bob Barr was not on for President, but other Libertarian candidates were on the Connecticut ballot.

Delaware: 1988 to the present continuously because of having registration membership of one-twentieth of 1% of statewide total.

Florida: 1988 by petition of 1% of registered voters (only applies to president); 1992 same; 1996 same; 2000 to the present continuously, on for all office by submitting list of party officers to secretary of state.

Georgia: 1988 by petition of 1% of registered voters; 1990 to present continuously by having polled 1% of the vote for any statewide office at the last election (however, this status only applies to the statewide offices, not district offices).

Hawaii: 1988 through 1996, on by virtue of also having been on 1982 through 1986; 1998 by petition of 1% of registered voters; 2000 by petition of one-tenth of 1% of registered voters; 2002 same; on continuously 2004 to present because had been on 1998 through 2006.

Idaho: 1988 on by petition of 2% of last presidential vote; 1990 to present, on continuously because had run at least candidates in previous election.

Illinois: 1988 on by petition of 25,000 signatures; 1992 same; 1994 same; 1996 on because had polled 5% for a statewide office in 1994 (status only includes statewide offices, not district offices); 2000 by petition of 25,000 signatures; same in 2002; same in 2004; same in 2008.

Indiana: 1992 on by petition of 2% of last vote for Secretary of State; 1994 same; 1996 to present, on continuously because had polled 2% for Secretary of State at previous election.

Iowa: 1988, on by petition of 1,000 signatures; 1992, same; 1994, on by petition of 1,500 signatures; 1996, same; 2000, same; 2002, same; 2004, same; 2006, same; 2008, same.

Kansas: 1992, on by petition of 2% of last gub. vote; 1994 through present, on continuously by having polled 1% for any statewide race at previous election.

Kentucky: 1988, on by petition of 5,000 signatures; 1992, same; 1996, same; 2000, same; 2004, same; 2008, same.

Louisiana: 1988, on for president only by paying \$500; 1992, same; 1996, same; 2000, same; 2004, same; 2006 to present, on continuously because have 1,000 registrations. However, in 2008, the Libertarian candidate for President, Bob Barr, did not make the Louisiana ballot because of a missed deadline. Other Libertarian candidates were on the Louisiana ballot.

Maine: 1988, by petition of 4,000 signatures; in 1992, on automatically because an independent gubernatorial candidate in 1990 had linked his vote of 5% to the party; 1996, by petition of 4,000 signatures; 2000 same; 2004 same.

Maryland: 1988, by petition of 10,000 signatures; same in 1992; same in 1996; same in 2000; in 2002, by petition of 1% of the registered voters; in 2004, by 10,000 signatures; 2008, same. In Maryland when a party petitions successfully, it gets on the ballot for the next two elections, thus, party was on for mid-term election years automatically.

Massachusetts: 1988, by petition of 2% of the last gubernatorial vote; in 1992, by 10,000 signatures; in 1994, same; in 1996, on automatically because had polled over 3% for a statewide

office in 1994; in 1998 by 10,000 signatures; in 2000, 2002, 2004 on automatically because had polled 3% for a statewide race in previous election; 2006, on in two legislative districts only; 2008, by 10,000 signatures.

Michigan: 1988, by petition of 1% of last gub. vote; 1990 on automatically because had polled over 1% of winner's vote in previous election; same in 1992; 1994, by petition of 1% of last gub. vote; 1996, on automatically because of meeting the vote test in 1994; 1998, same; 2000, same; 2002, same; and on continuously since 2002 by meeting vote test.

Minnesota: 1988 by petition of 2,000 signatures; same 1992; same 1994; same 1996; same 1998; same 2000; same 2004; same 2008.

Mississippi: on continuously 1988 to present, by submitting a list of party officers to Secretary of State.

Missouri: 1988 by petition of 1% of last gub. vote; 1992 same; 1994 by petition of 10,000 signatures; on since continuously because of polling 2% of the vote for a statewide race at either of the last two elections.

Montana: 1988 by petition of 5% of winner's vote for Governor; on continuously 1990 thru present by polling 5% of the winning candidate's vote for at least one statewide nominee at either of the last two elections, ever since.

Nebraska: 1988 by petition of 1% of last gub. vote; 1992 same; 1994 same; on automatically in 1996 because polled 5% for a statewide race in previous year; 1998 by petition of 1% of last gub. vote; on automatically in 2000 by polling 5% for a statewide office in previous election; 2002 by petition of 1% of last gub. vote; 2004 same; 2008 same.

Nevada: on continuously 1988 through present by meeting the vote test in previous election, which was 3% until 1993, and has been 1% since then.

New Hampshire: 1988 by petition of 3,000 names; 1990 same; on automatically 1992-1996 by polling 3% for Governor in previous election; 1998 by petition of 3,000 names; 2000 by petition of 3% of last gub. vote; 2002 by 3,000 names; 2004 and 2006, on ballot only in one of two U.S. House races; 2008 by petition of 3% of last gub. vote.

New Jersey: on in all statewide elections 1988 thru the present by, in each year, petition of 800 names.

New Mexico: on 1988 automatically due to having been ballot-qualified previously; same in 1992; 1996 by petition of one-half of 1% of last vote cast; 1998 by petition of 1% of last vote cast; 2000 on automatically based on being on in previous election; 2004 by petition of one-half

of 1%; 2006 by petition of one-half of 01% and 2008 on automatically because petition obtains ballot status for two elections in New Mexico.

New York: 1988 by petition of 20,000 signatures; 1990 same; 1992 same; 1994 petition of 15,000 signatures; same for 1996, 1998, 2000, 2002, 2004, 2006, 2008.

North Carolina: 1992 by petition of 2% of last gub. vote; 1996 same; 1998 same; on automatically in 2000 because law says party that petitions in mid-term year is also on for next presidential year; 2002 by petition of 2% of last gub. vote; 2004 automatic. 2008 by petition of 2% of last gub. vote.

North Dakota: 1988 by petition of 7,000 signatures; 1996 by petition of 7,000 signatures; 2000 by petition of 4,000 signatures; 2004 by petition of 4,000 signatures; 2008 by petition of 4,000 signatures.

Ohio: 2000, by petition of 1% of last vote cast; 2008, placed on ballot by court order.

Oklahoma: 1988 by petition of 3% of last presidential vote (president only); 1992 same; 1996 by petition of 5% of last vote cast; 2000 same.

Oregon: 1988 by petition of 5% of last gub. vote; on automatically ever since due to meeting the vote test, which was 5% in 1988 and 1% starting in 1989.

Pennsylvania: 1988 by petition of 2% of winning candidate for Judge in previous odd year; same in 1992, 1994, 1996, 1998, 2000, 2002, 2004. In 2008, by petition and on in partisan statewide race in 2009 automatically due to polling enough votes in 2008.

Rhode Island: 1988 by petition of 1,000 signatures; same in 1992, 1996, 2000, 2004, 2008.

South Carolina: on continuously 1988 to present, due to meeting requirement to run at least one candidate every 4 years.

South Dakota: 1992 by petition of 2.5% of last gub. vote; 1994 on automatically due to law that says if party petitions in presidential year it is also automatically on in following mid-term year; 1996 and 1998 on automatically because polled 2.5% for Governor in 1994; 2000 by petition of 2.5% of last gub. vote; 2002 on automatically; 2004 by petition of 2.5% of last gub. vote; 2006 on automatically.

Texas: on continuously 1988 through 2002 because of polling 5% for one statewide office; 2004 on by petition of 1% of last gubernatorial vote; on continuously since then for meeting the vote test.

Utah: 1988 by petition of 500 signatures; 1990 same; 1992 automatically because there had been no statewide race in 1990; on automatically 1994 for polling over 2% for a statewide race in previous election; by petition of 500 signatures in 1996; on automatically in 1998 due to polling over 2% in previous election; 2000 by petition of 2,000 signatures; 2002 automatically by polling over 2% in previous election; 2004 automatically because there had been no statewide election in 2002; 2006 automatically by polling 2% for statewide race in previous election. 2008 by petition of 2,000 signatures.

Vermont: on continuously 1988 to present by having town committees in at least 10 towns.

Virginia: 1988 by petition of one-half of 1% of registered voters; 1992 same; 1996 same; 2000 by petition of 10,000 names; 2001 same; 2004 same; 2008 same.

Washington: 1988 by holding convention with attendance of one-hundredth of 1% of last pres. vote; 1992 by holding convention with attendance of 200 voters; 1996 same; 2000 same; 2002 and 2004 on automatically by having polled 5% for statewide office in 2000; 2006 by petition of 1,000 names. 2008 by petition of 1,000 names.

West Virginia: 1992 by petition of 1% of last pres. vote; 1996 same; 1998 and 2000 automatically due to having polled 1% for Governor in 1996; 2004 by petition of 2% of last pres. vote.

Wisconsin: on continuously 1988 to present by polling 1% for statewide race in midterm years.

Wyoming: 1988 by petition of 8,000 names; 1992 same; 1994 same; on continuously since then due to meeting vote test, which was 3% until 1998 when it was changed to 2%.

5. Please identify with specificity all instances where the Libertarian Party has had a candidate on the ballot at either the August or November election in Tennessee for the past forty years, including the name of the candidate, the office sought and the percentage of votes received by each such candidate.

ANSWER:

1976: Roger MacBride, president, .09%
US House 1, Mary Joyner, .28%
US House 3, Wendell Hill, .13%
US House 4, William McGlamery, 5.97%
US House 5, Roger Bissell, 7.56%

Constitutional Convention Del. 52, Phil Cardin, 13.24% Constitutional Convention Del. 93,
 Richard Bacon, 17.00%
 1978: State Rep 93, Richard Bacon 10.14%
 1979: Davidson Co. Metro Council-at-large, Mary Alice Chapuis, 6.18% Memphis Council-at-
 large, place 3, Perry Boling, 4.67%
 1980: Ed Clark, president, .44%
 State Rep 83, Shirley Lamar, 17.06%
 State Rep 93, Perry Boling, 4.52%
 1982: State Rep 59, Dennis Mann, 5.06%
 1984: David Bergland, president, .18%
 State Sen 6, Michael McKinney, 5.91%
 State Sen 10, Wendell Hill, 1.64%
 State Rep 14, Richard Roland, 1.03%
 1988: Ron Paul, president, .12%
 US House 2, unexpired term, Charles West, 1.28%
 1992: Andre Marrou, president, .09%
 US House 6, H. Scott Benson, 2.80%
 US House 8, David L. Ward, 4.24%
 1994: US House 5, Lloyd Botway, .61%
 1996: Harry Browne, president, .27%
 US Senate, Greg Samples, .23%
 US House 1, Paul Schmidt, .20%
 US House 2, Chris Dimit, .61%
 US House 3, William Cole, .50%
 US House 4, Preston Spaulding, .32%
 US House 5, Michael Childers, 3.78%
 US House 6, Jim Coffey, 4.01%
 US House 7, Steve Romer, 1.32%
 US House 8, Donna Malone, 2.62%
 US House 9, Greg Voebringer, .17%
 1998: US House 2, Greg Samples, 4.23%
 2000: Harry Browne, president, .21%
 US House 2, Kevin Rowland, 10.65%
 US House 3, Trudy Austin, 1.48%
 US House 5, David Carew, 3.04%
 US House 6, Jim Coffey, 1.73%
 US House 7, Dennis Sollee, 1.20%
 State Sen 6, Wade Boswell, 11.30%
 State Sen 18, Dave C. Myers, 1.58%
 State Rep 10, Ronald Winkles, 22.73%
 State Rep 13, Charles Meyer, 4.97%

State Rep 22, Samuel Ray Ledford, 16.76% State Rep 23, Robert Callaway, 23.47% State Rep 43, Richard Sharpe, 4.05% State Rep 48, Shannon Dickens, 4.53% State Rep 56, Rich Husband, 3.29%

2002: Governor, Ray Ledford, .10%

US House 2, Joshua Williamson, .60%

US House 3, William Bohen, 1.00%

US House 4, John Ray, .33%

US House 5, Jesse Turner, .51%

US House 7, Rick Patterson, 2.77%

State Sen 31, Barbara Leding, 9.78%

State Rep 2, Glen Moody, 6.46%

State Rep 13, Chuck Meyer, 19.64%

State Rep 31, Jonathan McGlumphy, 2.37%

State Rep 75, Charles Cooper, 22.33%

2004: Michael Badnarik, president, .20% State Rep 26, Daniel Lewis, 1.95%

State Rep 29, Brent Benedict, 3.12% (none in 2006)

2008: Bob Barr, president, .33%

US Sen, Daniel Lewis, .39%

State House Dist. 58, Lisa Leeds, 15.46%

13. Please identify with specificity the officers, if any, of the Libertarian Party of Tennessee, including their names, addresses, date of election or appointment and terms of office.

ANSWER: John Sebastian is the Chairman of the Tennessee Libertarian Party, 9118

Burchfield Drive, Oak Ridge, TN 37830, Anthony E. Wall is the former Chairman of the

Tennessee Libertarian Party, 354 Summerville Road, Kingsport, TN 37663, (423) 534-8848;

Vice-Chair is presently vacant; William Enfield is the Treasurer of the Tennessee Libertarian

Party of Tennessee, 661 Summerville Road, Kingsport, TN 37663; Ray Ledford is the Secretary

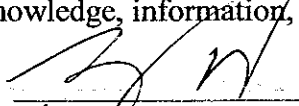
for the Tennessee Libertarian Party of Tennessee, 162 Casteel Rd SE, Cleveland, TN 37323.

14. Please identify with specificity the total membership of the Libertarian Party of Tennessee, including any local or county chapters of the Party.

ANSWER: The total current documented Libertarian Party of Tennessee membership is 1,980

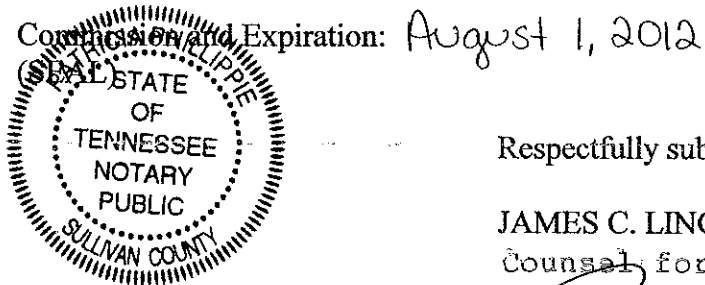
VERIFICATION OF ANSWERS

I, ANTHONY E WALL, after being duly sworn in accordance with the law, make oath that I am FORMER CHAIRMAN LPTN, and that I am duly authorized for the purposes of answering these interrogatories and making this verification, that I have provided the answers to these interrogatories upon such information as is available to me and that such answers are true, correct, and complete to the best of my knowledge, information, and belief.


ANTHONY E WALL [name]
FORMER CHAIRMAN [position]
LIBERTARIAN PARTY OF TENNESSEE

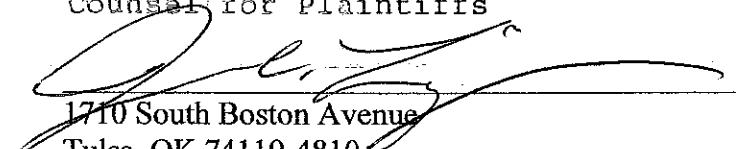
Sworn to and subscribed before me this 31st day of December, 2009.

Patricia Phillippe
Notary Public



Respectfully submitted this 11th day of January, 2010.

JAMES C. LINGER, OBA#5441
Counsel for Plaintiffs

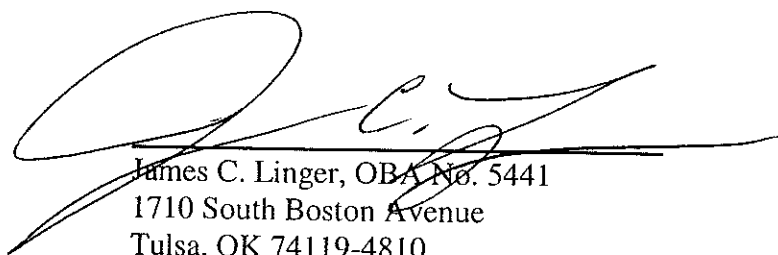

1710 South Boston Avenue
Tulsa, OK 74119-4810
(918) 585-2797
(918) 583-8283 Facsimile
bostonbarristers@tulsacoxmail.com

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January, 2010, a true and correct copy of the above and foregoing responses were served at:

JANET KLEINFELTER,
Senior Counsel
Office of Tennessee Attorney General
P.O. Box 20207
Nashville, TN 37202-0207
janet.kleinfelter@state.tn.us

Counsel for Defendants



James C. Linger, OBA No. 5441
1710 South Boston Avenue
Tulsa, OK 74119-4810
(918) 585-2797
(918) 583-8283 Facsimile
bostonbarristers@tulsacoxmail.com

Darrell L. Castle, TNB No. 6863
Darrell L. Castle & Associates
3100 Walnut Grove, Suite 610
Memphis, TN 38111
(901) 327-2100
(901) 458-9443 Facsimile
dlc2586@aol.com

Counsel for Plaintiffs